

Application Ser. No. 10/600,121

REMARKS

This amendment is presented in response to the office action mailed August 10, 2005.

35 USC 112 REJECTION: CLAIM 39

This claim was rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. The claim (as amended) is satisfactory under section 112.

35 USC 102 REJECTIONS: CLAIMS 1-2, 5-12, 16-18, 21-28, 32

These claims were rejected under 35 USC 102(b) as being unpatentable over U.S. Patent No. 6,052,785 to Lin et al. ("Lin"). The subject claims (as amended) are patentable because the applied art does not teach the features of the claims. Taking claim 1 as an example, Lin fails to teach the following combination:

"An apparatus for proving authentication when a user is not present, said apparatus comprising:
a Web service client coupled to a service provider;
an online wallet configured to store and selectively release financial information of various users;
a discovery service;
wherein:
said Web service client, said service provider, said Web service provider, and said discovery service agree to work with each other; and
an act of releasing financial information of the given user from the online wallet to fund an online purchase transaction on behalf of a given user without a live authenticated session of the given user with the Web service client is conditioned upon receiving proof of authority to conduct the requested purchase transaction without the live authenticated session."

As mentioned above the claimed invention concerns an "apparatus for proving authentication when a user is not present." At first glance, Lin seems to be somewhat related because Lin concerns managing client authorization to access remote data repositories. [Lin: Abstract & col. 1, lines 8-14] However, upon further review, it is apparent that Lin's focus is limited to authenticating users so that the users can access data, and has nothing to do with "proving authentication when a user is not present." [Lin: col. 1, lines 14-16; col. 1, lines 45-50; col. 1, lines 60-65; col. 2, lines 63-65; col. 3, lines 8-15; col. 3, lines 40-52; col. 3, lines 55-58]

Considering some further aspects of claim 1, Lin further lacks "an online wallet configured to store and selectively release financial information of various users." Although Lin purportedly shows a "repository" of some type, the repository is merely the data for which users are authenticated in order to gain access. [Lin: col. 3, lines 8-10; col. 5, lines 13-35] And, although Lin touches upon the issue of user authentication and credentials, this general idea is commonly used in many applications with sensitive data, and Lin fails to disclose the storage and release of financial information. Accordingly, Lin does not show "an online wallet configured to store and selectively release financial information of various users" as claimed.

Moreover, Lin does not teach "an act of releasing financial information of the given user from the online wallet to fund an online purchase transaction on behalf of a given user without a live authenticated session of the given user with the Web service client is conditioned upon receiving proof of authority to conduct the requested purchase transaction without the live authenticated session." First of all, Lin is silent as to financial information, as discussed above. Second, Lin does not teach releasing any financial information to fund an online purchase. Rather, Lin is said to recognize the importance of secure communications between the client and server systems (col. 1, lines 58-67), such as provided by SSL and SHTTP technologies (col. 2, lines 1-20), which without more would seem to preclude the server releasing sensitive information to third parties. Third, it is *a fortiori* that Lin does not show releasing such information absent a

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live authenticated session of the user. In contrast, Lin's discussion of user authentication is predicated upon the user's participation, for instance by providing userid and other required credentials. [Lin: col. 7, lines 10-15; ref. 402, FIG. 4; ref. 502, FIG. 5]

For these and other such reasons, Lin does not teach the required act of "an act of releasing financial information of the given user from the online wallet to fund an online purchase transaction on behalf of a given user without a live authenticated session of the given user with the Web service client is conditioned upon receiving proof of authority to conduct the requested purchase transaction without the live authenticated session."

Accordingly, claim 1 is patentably distinguished from Lin. For similar reasons, independent claim 17 (as amended) is also patentably distinguished from Lin. And, even without considering any individual merits of dependent claims 2-16 and 18-32, these claims are distinguished from Lin because they depend from independent claims 1 or 17 (distinguished as discussed above.¹)

Nonetheless, certain features of these dependent claims are noted to further distinguish over the applied art. As one example, the applied art fails to show "means for testing a request to said Web service while a user is still present, wherein either or both said discovery service and said online wallet can perform real-time consent informational data collection from a user without having actually performed a particular transaction," as required by (amended) claims 16 and 34. The office action suggests that such features are found in Lin's column 6, lines 8-36. The cited passage, however, merely discusses the operation of secure hypertext transfer protocol (SHTTP) client authentication. Said to be an extension of unsecure HTTP protocol, SHTTP provides flexibility in choosing key management mechanisms, security policies, and cryptographic algorithm support through a negotiation process between the client and server for each transaction. [Lin: col. 6, lines 13-18] No disclosure is made, however, of

¹ Cf. If an independent claim is nonobvious under 35 USC 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). MPEP 2143.03.

any "means for testing a request to said Web service while a user is still present..." as claimed. Claims 16 and 34, then, are patentably distinguished from the disclosure of Lin.

35 USC 102 REJECTIONS: CLAIMS 33-44

These claims were rejected under 35 USC 102(b) as being unpatentable over U.S. Patent No. 6,901,387 B2 to Wells et al. ("Wells"). The subject claims (as amended) are patentable because the applied art does not teach the features of the claims. Taking claim 33 as an example, Wells fails to teach the following combination:

"A method for invoking authenticated transactions on behalf of a user when the user is not present, said method comprising the steps of:
a service provider, at a time when a user is present, asking the user if said service provider can perform a particular transaction at a later point in time when the user is not present, wherein if the user indicates yes, then said service provider sending a notification to register with any of, or both of:
a trusted discovery service; and
a user activated online wallet confidentially storing financial data of the user sufficient to fund the particular transaction;
wherein while the user is still present, the user can be asked to provide informational content related to said particular transaction; and
at a time when the user is not present, the service provider initiating the particular transaction and requesting the online wallet to release financial data of the user."

Straight away, Wells does not teach "invoking authentication transactions on behalf of a user when the user is not present." Along these lines, Wells does not teach "a service provider, at a time when a user is present, asking the user if said service provider can perform a particular transaction at a later point in time when the user is not present, wherein if the user indicates yes, then said service provider sending a notification..." Likewise, Wells does not disclose "at a time when the user is not present, the service provider initiating the particular transaction and requesting the online wallet to release financial data of the user."

In contrast, Wells seeks to provide an electronic purchasing transaction system where, for example, the client uses account identifiers to purchase items from merchants. [Wells: col. 3, lines 30-42] Along these lines, the client selects an item to purchase from a merchant, specifies an expected financial amount, and sends a pre-authorization request. The client ultimately provides a selected limited use account identifier to a merchant for effecting payment. [Wells: col. 3, lines 43-56] Further detail of the user's integral involvement in this process appears in FIG. 7 (refs. 702, 706, 712) and column 17, line 50 through column 19, line 35. Accordingly, Wells electronic purchasing transactions are conditioned upon direct user involvement. Wells does not contemplate operations such as "at a time when a user is present, asking the user if said service provider can perform a particular transaction at a later point in time when the user is not present..." and acts such as "at a time when the user is not present, the service provider initiating the particular transaction and requesting the online wallet to release financial data of the user."

Consequently, claim 33 is patentably distinguished from Wells. For similar reasons, independent claim 39 is also patentably distinguished from Wells. And, even without considering any individual merits of dependent claims 34-38 and 40-44, these claims are distinguished over Wells because they depend from independent claims 33 or 39 (themselves distinguished as discussed above).

35 USC 103 REJECTIONS: CLAIMS 3-4, 13-15, 19-20, 29-31

These claims were rejected under 35 USC 103 as being unpatentable over Lin in separate combination with various other art references including U.S. Patent No. 5,699,431 to Van Oorschot, U.S. Patent No. 6,516,316 B1 to Ramasubramani, and U.S. Patent No. 4,919,545 to Yu. Even without considering the individual merits of these claims, they are patentably distinguished over the proposed combination because they depend from independent claims 1 or 17 that are allowable over Lin (as discussed above), and the added references fail to provide the features missing from Lin. For example, the added references still do not teach features from claims 1 or 17 such as "an

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online wallet configured to store and selectively release financial information of various users." Nor do the added references teach "an act of releasing financial information of the given user from the online wallet to fund an online purchase transaction on behalf of a given user without a live authenticated session of the given user with the Web service client is conditioned upon receiving proof of authority to conduct the requested purchase transaction without the live authenticated session."

In contrast, the office action introduced Van Oorschot merely to show signing an assertion (i.e. certificate) by an authority. [Office Action: page 9] Similarly, the office action introduced Ramasubrami merely to show recording and storing user statement (i.e. certificate) information. [Office Action: page 10] Likewise, the office action introduced Yu merely to show checking permission to a requested service by a ticket. [Office Action: page 11]

Consequently, dependent claims 3-4, 13-15, 19-20, 29-31 are patentably distinguished from the applied art.

NEW CLAIMS 45-50

These new claims have been added to the application to provide an alternate statement of invention. These claims are patentably distinguished from the applied art for similar reasons as discussed above. No new matter has been added, since the new claims enjoy widespread support in many instances of the originally-filed specification, with one example being pages 6-9 and Figure 4.

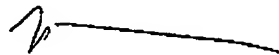
CONCLUSION

In view of the foregoing, all pending claims in the application are patentable over the applied art. Favorable reconsideration and allowance of the application are hereby requested.

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The Commissioner is authorized to charge the extra claim fee of \$300, the extra independent claim fee of \$200, any additional fees due, and credit any overpayments to the Glenn Patent Group Deposit Account No. 07-1445, Customer No. 22862.

Respectfully Submitted,



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